



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,374	02/24/2004	Marshall L. Summar	1242/58	1629

25297 7590 06/15/2007
JENKINS, WILSON, TAYLOR & HUNT, P. A.
SUITE 1200, UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NC 27707

EXAMINER

JOHANNSEN, DIANA B

ART UNIT PAPER NUMBER

1634

MAIL DATE DELIVERY MODE

06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10785374	2/24/04	SUMMAR ET AL.	1242/58

EXAMINER

Diana B. . Johannsen

JENKINS, WILSON, TAYLOR & HUNT, P. A.
SUITE 1200, UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NC 27707

ART UNIT**PAPER**

1634

20070608

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on March 26, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the reply did not include a listing of the claims readable on the elected species, as required by the Election/Restriction requirement mailed September 25, 2006. In particular, it is noted that applicant's reply identifies all the claims of Group I (claims 1-29 and new claim 34). However, a listing of claims that actually read on the elected species is not present. In the instant case, while the examiner concurs that new claim 34 appears to read on the elected species, claim 11 and claims dependent therefrom appear to be directed to the disorder of bone marrow transplant toxicity, and therefore not readable on the elected disorder of pulmonary hypertension. Further, claim 24 appears to be limited to the disorder of necrotizing enterocolitis. Therefore, applicant's reply is incomplete and not fully responsive. In response to this communication, applicant should provide a listing of claims readable on the species actually elected by applicant. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday and Thursday, 7:30 am-4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Diana B. Johannsen
Primary Examiner
Art Unit: 1634